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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,441	11/09/2001	Akira Yamamori	FUJS19.137	4633
7590	09/07/2006		EXAMINER	
Rosenman & Colin LLP 575 Madison Avenue New York, NY 10022-2585			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,441	YAMAMORI ET AL.	
	<b>Examiner</b> Steven Blount	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1, 3 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1, 3 - 10, 15 - 16 is/are allowed.
- 6) Claim(s) 11 - 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

### DETAILED ACTION

1. Claims 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application 20020101871 to Takase et al in view of U.S. patent 6,711,168 to Yoshizawa et al.

With regard to claim 11, Takase et al teaches reading cells out of memory, comprised of a *memory* for storing cells (see par 198, second to last sentence), wherein information is stored such that new data concerning the VCI may be written into the cell. See paragraph 199. Takase et al also teaches the use of an error *flag* for use when bad data is detected, and this determines if the cell is processed or not. See par 273 and 280 and par 283 and par 282, last sentence. See also the use of a “message” in col 272 (the MID). Although Takase et al does, apparently, teach the use of “sequence numbers” for determining output sequence (see par 276), Takase does not utilize “writing ranks”, as defined by applicant, to determine the sequence in which the cells are output.

Yoshizawa et al teaches the use of “writing ranks” for ordering input storage, wherein it is implicit that this ordering would be useful upon data output (ie, this is why they are added to the cells).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Takase et al with “writing ranks” in light of the teachings of Yoshizawa et al in order to provide a means for efficiently ordering the cells upon their departure in a manner that does not require overhead information.

With regard to claim 12, see col 1, lines 35 – 50 of Yoshizawa et al (adaptation layer,

and segmentation/assembly.

With regard to claim 13, although AAL5 is not explicitly mentioned, one of ordinary skill in the art would find this layer such that delay tolerant traffic may be transmitted.

With regard to claim 14, each of the method steps are discussed in relation to the operation of the apparatus as explained in the rejection of claim 11 above.

2. Claims 1, 3 – 10, and 15 – 16 are allowed.
3. Applicant has claimed foreign priority with respect to overcoming the rejections of claims 11 – 14. However, neither a copy of the foreign patent applicant is relying upon to claim priority and to therefore overcome the rejections is on file, nor is an English translation, as required in 37 CFR 1.55 (4).

#### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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8/25/06